

OSOS File Copy

Election Procedures Review
of
King County
State of Washington
2002



Conducted by the
Office of the Secretary of State
Election Certification and Training Program

February 2003

Introduction



In 1992, the Washington State Legislature enacted legislation mandating a review process of state and local election procedures and practices. The Election Certification and Training Program was established within the Office of the Secretary of State to conduct reviews and to provide for the certification of election administrators.

The election review process is governed by Chapter 29.60 of the Revised Code of Washington and Chapter 434.60 of the Washington Administrative Code. Reviews are conducted periodically in conjunction with a county primary, special or general election, at the direction of the Secretary of State or at the request of the County Auditor. A complete review of the Primary Election and a special review were requested by Bob Roegner, King County Records, Elections, and Licensing Manager. A review of the General Election absentee process was requested by the King County Council, King County Executive, and Bob Roegner. Additionally, a special review was triggered by the 47th Legislative District recount in the General Election.

Pursuant to RCW 29.60.070(1) (b), the Election Certification and Training program conducted the election reviews in King County during the 2002 Primary and General Election cycles. Sheryl Moss, Certification and Training Manager and Dave Elliott, Assistant Elections Director, represented the state elections division during the review. Bob Roegner, King County Records, Elections, and Licensing Manager, Julie Ann Kempf, and other members of the staff participated on behalf of the King County Elections Division.

Contents of this report are based on observations of election practices and procedures and on interviews with county election personnel. In this report, the reviewer has differentiated those areas where compliance was based on the actual observation of a particular procedure and where compliance was measured based on verbal explanation. In all cases, the predominant concern is whether or not the county's actions constitute compliance with the intent of the statute or rule.

The purpose of this report is to provide King County with a useful evaluation of their election procedures and policies and to encourage procedural consistency in the administration of elections throughout the state. This review report includes a series of recommendations and/or suggestions that are intended to assist King County in improving and enhancing their election processes.

The reviewer is statutorily prohibited from making any evaluation, finding, or recommendation regarding the validity of any primary or election or of any canvass of the election returns. Consequently, this review report should not be interpreted as affecting, in any way, the validity of the outcome of any election or of any canvass of election returns.

Table of Contents

Section 1

Primary Election Review Checklist	Page 1
-----------------------------------	--------

Section 2

Overview and Recommendations for the Primary Election	Page 11
---	---------

Section 3

Suggestions for the Primary Election	Page 16
--------------------------------------	---------

Section 4

General Election Special Review, 47 th Legislative District Recount	Page 19
--	---------

Section 5

General Election Special Review, Absentee Ballot Process	Page 22
--	---------

Section 6

County Response	Page 29
-----------------	---------

Section 7

Conclusion	Page 34
------------	---------

Section 1

Election Review Checklist

The Office of the Secretary of State and the Election Administration and Certification Board jointly established the election review checklist. In 1994, the Board formally approved the use of the checklist in the review process. The Election Certification and Training Program provided a copy of the checklist to King County well in advance of the review.

The checklist identifies a number of tasks that form the basis of the election process. In the checklist, a number "1" indicates the task was observed and a number "2" indicates the task was verbally explained. Each task describes an area of elections in which some degree of uniformity is highly desirable. Nearly all of these tasks are currently required and defined by either state law or administrative rule.

ELECTION REVIEW CHECKLIST: Voter Registration Tasks

Activity/Task	Reviewer's Responsibility	Applicable RCW/WAC	Reviewer's Findings
1 Annual voter registration reporting to the Secretary of State	Review method of tracking registrations by source and tracking duplicate registrations by source.	FEC Rules	2—Manually by spreadsheet.
2 Format of confirmation and verification notices	Review confirmation notices for format approved by the Secretary of State.	RCW 29.10.200	2
3 Maintenance of voter registration documentation	Review how long NVRA required notices are maintained and other registration related documents; review methods of storing these documents.	Federal Retention Schedule RCW 29.10.110	2
4 Mailing confirmation notices	Review procedures for sending confirmation notices.	RCW 29.10.011 RCW 29.10.071	2—sent weekly, automated
5 Placing voters on inactive status	Review procedures for placing a voter on inactive status.	RCW 29.10.071	2
6 Processing registrations of voters appearing on DOL change of address listing	Review procedures for transferring registrations, or placing voters on inactive status and sending voter registration by mail forms when notified by DOL voter moved out of the county.	RCW 29.07.270	2
7 Processing new voter registrations	Review information you require before accepting a voter registration application as complete.	RCW 29.07.070	Holds incomplete apps for 90 days. Verification notices done manually. See Recommendation #1
8 Conducting a general program of list maintenance	Review procedures and methods for conducting a general program of list maintenance; review alternative programs for approval by SOS.	RCW 29.10.180	2—NCOA method.
9 Storage and access to voter registration cards	Examine methods of storing voter registration cards; review policies on public and internal access to voter registration cards.	RCW 29.07.130	2—two years in office. Rest on CD.
10 Cancellation of voter registration	Review information triggering voter registration cancellation; review procedures for canceling voters' registrations.	RCW 29.10.075 RCW 29.10.090 RCW 29.10.097 RCW 29.10.210	See Recommendation #1
11 Address Confidentiality Program	Ensure two staff members are designated to process protected voter registration records. Review procedures for mailing ballot.	RCW 40.24	2—Just recently lost one person—need to replace.
12 Public records	Review policies on public records (information, lists, etc), including what is not public record.	RCW 29.04.100 RCW 29.07.130	2

ELECTION REVIEW CHECKLIST: Pre-Election Tasks

	Activity/Task	Reviewer's Responsibility	Applicable RCW/WAC	Reviewer's Findings
13	Number of registered voters in precincts	Review of number of voters per precinct.	RCW 29.04.040	1
14	Precinct boundaries	Review of precinct boundaries: single legislative, congressional and commissioner districts; contiguous and compact areas.	RCW 29.04.050	1
15	Questionnaires to cities, towns and districts	Review materials or information provided by cities, towns, districts. Review questionnaire for content and timeliness.	RCW 29.15.026 WAC 434-228-005	1
16	List of potential election board workers from political parties	Review letters and lists of boards sent to parties.	RCW 29.45.010 RCW 29.45.030	1
17	Resolutions for special elections	Review procedures for the receipt and processing of special election resolutions.	RCW 29.13.020	1
18	Preparation of ballot titles for special election resolutions	Review procedures for preparing and obtaining ballot titles for special elections; review of city attorney or prosecutor approval of ballot titles.	RCW 29.27.066 RCW 29.27.0665	1
19	Procedures for candidate filing	Review procedures covering various types of candidate filings including precinct committee officer and write-in declarations.	RCW 29.15 WAC 434-228-012 WAC 434-228-020	2
20	Candidate filings by mail	Review procedures on how to handle mail filings.	RCW 29.15.040	2
21	Candidate voter registration eligibility	Review procedures for ensuring the candidate registration was verified.	RCW 29.15.025	2—Step-by-step assembly line for filing
22	Joint county filings	Review documentation of joint county filings, notifications to other counties, etc.	RCW 29.15.030	2
23	Candidate lot drawing	Review procedures and methods for determining candidate placement on sample and absentee ballots.	RCW 29.30.025 RCW 29.15.040	2—draw separately for each race.
24	Special three-day filing period	Review notification to the media and notices to the district(s) before and after.	RCW 29.15.170 RCW 29.15.180	2—did not have one this year.
25	Candidate withdrawal period	Review procedures and documentation for candidate withdrawals.	RCW 29.15.120 RCW 29.15.125 RCW 29.15.030	1
26	Notification to non-partisan candidates where no primary is required	Review method of notification to candidates.	RCW 29.21.015 RCW 29.15.150	2
27	Major party vacancies caused by no filing	Review methods of accepting filings caused by major party ticket vacancies.	RCW 29.18.150	2

Key 1 = Task Observed 2 = Task Verbally Explained

ELECTION REVIEW CHECKLIST: Pre-Election Tasks

	Activity/Task	Reviewer's Responsibility	Applicable RCW/WAC	Reviewer's Findings
28	Candidate rotation - partisan/judicial primaries	Review planning matrix, verify registered voter breakdown, review method for determining rotation.	RCW 29.30.040	1—need to fully comply with state rotation.
29	Order of offices and ballot measures on the ballot	Verify there is a written policy on placement of local offices and ballot measures on the ballot. Check order of state measures and offices for compliance.	RCW 29.30.020 RCW 29.30.081 RCW 29.30.085 WAC 434-230-020 WAC 434-230-030	1
30	Sample ballots	Review sample ballots for placement of offices and ballot measures; distribution and availability of sample ballots; publication timeliness.	RCW 29.30.060 WAC 434-230-010 WAC 434-230-020	1
31	Election board worker training	Review training materials and training schedule for election board workers. Ensure the list of workers who have already been trained is current.	RCW 29.33.340	2—excellent materials
32	Notice of closing voter registration files	Review notice for content and timeliness.	RCW 29.07.160	1
33	Notice of election	Review election notice for content and publication timeliness.	RCW 29.27.030 RCW 29.27.080	1
34	Notice of inaccessible polling locations	Review notification to voters; date of notification - even numbered years; review Notice of Election for indication of inaccessible locations.	RCW 29.57.070 RCW 29.57.150 WAC 434-257	See Recommendation #7
35	Special absentee ballots available	Review standard instructions for absentee ballots; look at time frame of when request was received and time ballot was sent, etc.	RCW 29.36.250 WAC 434-240-090 WAC 434-240-100 WAC 434-240-110	2
36	Absentee and vote by mail precinct ballot materials	Examine absentee ballot materials: envelopes, instructions, mailing labels, logs, reports, etc.	RCW 29.36.260 RCW 29.36.290 WAC 434-240-180 WAC 434-240-190 WAC 434-240-200	1
37	Regular absentee ballots available	Review records detailing when regular absentee ballots are available for mailing and at the auditor's office.	RCW 29.36.270	See Recommendation #2
38	Issuing regular absentee ballots	Review procedures for issuing absentee ballots; telephone absentee request procedures; records and timeframe of requests received and when ballots are mailed, etc.	RCW 29.36.260 RCW 29.36.280 WAC 434-240-020 WAC 434-240-030 WAC 434-240-270	2

ELECTION REVIEW CHECKLIST: Pre-Election Tasks

	Activity/Task	Reviewer's Responsibility	Applicable RCW/WAC	Reviewer's Findings
39	Issuing replacement absentee ballots	Review procedures for issuing replacement absentee ballots.	WAC 434-240-205	2
40	Issuing hospital absentee ballots	Review procedures for issuing hospital absentee ballots; random review of hospital documentation.	RCW 29.36.280 WAC 434-240-120	2
41	Issuing vote by mail precinct ballots	Review compliance with number of voters in vote-by-mail precincts, date ballots are mailed, letter of notification and record of ballot requests.	RCW 29.38.010 WAC 434-240-320	2
42	Processing absentee ballot with unsigned affidavit	Review procedures for processing absentee ballots that have been returned with the affidavit not signed.	WAC 434-240-235	2
43	Processing returned absentee ballots (prior to counting)	Review written procedures when ballots are returned in person and by mail: record of receipt, signature verification, security, etc.	RCW 29.36.310 WAC 434-240-230 WAC 434-240-240 WAC 434-240-250 WAC 434-240-260 WAC 434-262-150	1
44	Preparation for counting absentee ballots (prior to polls closing)	Review procedures for opening, sorting and counting absentee ballots: observers, secrecy, notice of public meeting, etc.	RCW 29.36.310 WAC 434-240-230 WAC 434-240-240 WAC 434-240-260	See Recommendation #3
45	Manual inspection of absentee ballots	Review procedures for the manual inspection of each ballot, including each voter response position.	WAC 434-261-005 WAC 434-261-070 WAC 434-261-075 WAC 434-262-150	1
46	Ballot duplication and enhancement of absentee ballots	Review procedures for duplicating and enhancing ballots, including staffing and security. Review written procedures.	WAC 434-261-080 WAC 434-261-085 WAC 434-261-090 WAC 434-261-100	See Recommendation #5
47	Canvassing board authorization for processing absentee ballots	Review canvassing board written authorization for opening and processing absentee ballots.	RCW 29.62.010 RCW 29.62.015 WAC 434-262-015	1
48	Notification of logic and accuracy test	Review public notices and notices to the political parties on the time, location and intent of the logic and accuracy test.	RCW 29.33.350 WAC 434-334-085	2

ELECTION REVIEW CHECKLIST: Pre-Election Tasks

Activity/Task	Reviewer's Responsibility	Applicable RCW/WAC	Reviewer's Findings
49 Internal ballot tabulation testing	Review methods and results of internal testing of ballot tabulation system including special elections.	WAC 434-334-085 WAC 434-334-095 WAC 434-334-105 WAC 434-334-110	2
50 Conducting the logic and accuracy test	Review procedures and key to the logic and accuracy test process; review certification and security of test program.	RCW 29.33.350 WAC 434-334-063 through 175	1
51 Ballot inventory (absentee and regular ballots)	Ensure that county has record of ballot numbers issued by precinct and absentee style.	WAC 434-240-270 WAC 434-253-160	1
52 Preparation of election board supplies	Review checklist for supplies and procedures (including security) for delivery and storage at the polling place (if applicable).	RCW 29.48.030 RCW 29.48.045 WAC 434-253-020	1
53 Designation of voting booths	Review matrix for number of voting booths to number of registered voters.	RCW 29.48.010 RCW 29.04.040	n/a
54 Delivery of election supplies to polling locations and election board workers	Review methods and written procedures for delivery of voting equipment to the polling location and to the precinct election officers.	RCW 29.48.030 RCW 29.48.010	2
55 Ballot security	Review written procedures for ballot security before, the election.	WAC 434-240-010 WAC 434-240-230 WAC 434-240-270 WAC 434-240-290	See Recommendation #4
56 Notice of meeting - canvass board (processing absentees)	Review legal notice for publication timeliness and content.	RCW 29.62.020 WAC 434-262-025	1

ELECTION REVIEW CHECKLIST: Election Day Tasks

	Activity/Task	Reviewer's Responsibility	Applicable RCW/WAC	Reviewer's Findings
57	Political party observers	Review written procedures and training provided to political party observers.	RCW 29.54.025 RCW 29.33.340 WAC 434-261-020 WAC 434-334-070	1—They pay observers to be present through absentee processing.
58	Polling place procedures	Review any procedures manuals provided for election board workers for use on the day of the election.	RCW 29.48 RCW 29.51 RCW 29.54 RCW 29.10.220 WAC 434-253	1
59	Poll watchers	Review written procedures, requests and authorization/notification forms.	WAC 434-253-090	1
60	Record of returned absentee ballots	Review county procedures for documenting the number of returned absentee ballots.	WAC 434-240-270	1
61	Ballot identification (pre punch and/or timing marks)	Review list of codes in relation to ballot measures and candidates for proper separation and designation.	RCW 29.36.320 WAC 434-253-100 WAC 434-334-120	1
62	Ballot security	Review written procedures for ballot security during the election.	WAC 434-240-230 WAC 434-240-270 WAC 434-240-290 WAC 434-253-030 WAC 434-253-210	1
63	Early ballot pick-up	Review methods and procedures for early ballot pick-up: security, transportation, polling location process, etc.	RCW 29.54.037 RCW 29.54.085 WAC 434-253-220	n/a
64	Ballot Processing Boards	Review process and written procedures; ballot path, etc.	RCW 29.54.025 RCW 29.54.037 RCW 29.54.085 RCW 29.33.340 WAC 434-261	n/a—ballots are tabulated at the poll site.
65	Ballot check-in	Review procedures for accepting ballots from election board workers and at depots (if applicable)	WAC 434-261-030 WAC 434-261-040	2

ELECTION REVIEW CHECKLIST: Election Day Tasks

	Activity/Task	Reviewer's Responsibility	Applicable RCW/WAC	Reviewer's Findings
66	Manual inspection	Review procedures for the manual inspection of each ballot, including each voter response position.	RCW 29.54.085 WAC 434-261-005 WAC 434-261-070 WAC 434-261-075	1
67	Ballot duplication and enhancement	Review procedures for duplicating and enhancing ballots, including staffing and security. Review written procedures.	WAC 434-261-080 WAC 434-261-085 WAC 434-261-090 WAC 434-261-100	See Recommendation #5

ELECTION REVIEW CHECKLIST: Post-Election Tasks

	Activity/Task	Reviewer's Responsibility	Applicable RCW/WAC	Reviewer's Findings
68	Ballot security	Review written procedures for ballot security after the election; examine the ballot path used election night, etc.	RCW 29.54.075 WAC 434-240-230 WAC 434-240-270 WAC 434-240-290	See Recommendation #4
69	Credit for voting	Review methods and procedures for crediting voters for voting.	RCW 29.36.330 WAC 434-253-060	2
70	Processing and counting returned absentee ballots	Review procedures for continuing to process and count returned absentee ballots; review method for ensuring absentee voters did not vote at the polls.	RCW 29.36.310 RCW 29.62.020 WAC 434-240-230 WAC 434-240-240 WAC 434-240-250 WAC 434-240-260 WAC 434-240-300	See Recommendation #3
71	Special ballots	Review methods and procedures for researching and processing special ballots; recommendations to canvass board; distribution out of county etc.	RCW 29.54.060 WAC 434-240-250 WAC 434-253-043 WAC 434-253-045 WAC 434-253-047 WAC 434-253-049	1
72	Ballot accountability processes	Review reconciliation procedures for poll book count to the number of ballots counted; spot check ballot stubs and control records where needed.	WAC 434-253-070 WAC 434-253-160 WAC 434-253-180 WAC 434-253-190	2
73	Reconciliation of absentees tabulated and rejected with absentees received; audit trail	Review methods and procedures for reconciliation; spot check ballot issued logs, return ballot inventory, etc.	WAC 434-240-270	2—They use very efficient batch sheets and reconcile by batch
74	Sealing and security of voting devices or voting pages	Review written procedures for securing voting devices and observe sample of securing device to ensure integrity of process.	RCW 29.54.121 WAC 434-253-230	n/a
75	Ballot security	Review written procedures for ballot security after the election.	RCW 29.54.075 WAC 434-240-230 WAC 434-240-270 WAC 434-240-290	2
76	Canvassing board procedure manual	Review written procedures.	RCW 29.62.010	1
77	Notice of meeting - certification	Review legal notice for publication timeliness and content.	RCW 29.62.015 RCW 29.62.020 WAC 434-262-025	1

ELECTION REVIEW CHECKLIST: Post-Election Tasks

	Activity/Task	Reviewer's Responsibility	Applicable RCW/WAC	Reviewer's Findings
78	Designation to serve on canvassing board	Review contents of designation of authority for each member to serve on canvassing board.	RCW 29.62.015	1
79	Preparation of oath of county auditor and certificate of canvassing board	Review for form and content.	RCW 29.62.010 RCW 29.62.040 WAC 434-262-070	2
80	Election material retention schedule	Review written retention schedule and procedures; discuss with county their retention process (storage, access, etc.).	RCW 29.54.075 RCW 29.54.085 WAC 434-262-200 Federal Regulations State Retention Schedule	2
81	Transmittal of election results to the Secretary of State	Review methods and procedures of certifying county election results to the Secretary of State.	RCW 29.62.090 WAC 434-262-080	2

Section 2

Overview and Recommendations

In the course of this review, the reviewer observed pre-election tasks, election procedures, post-election tasks, and canvassing and certification procedures. Comments regarding some of these observations are noted here and recommendations follow these observations.

It should be noted that the recommendations contained in this review are primarily designed to enhance or to provide written documentation to good existing procedures. Other recommendations have been made to help the county establish procedures that will protect their interests in the event the integrity of the county's election procedures is called into question.

King County is the largest county in Washington State and contains one third of the state's population. Because of their large size and their departmental structure, they have a much larger workload and face more significant obstacles than any other county in the state. Additionally, the elections division has experienced budget and personnel cuts as they have experienced simultaneous increases in levels of absentee voting and voter registration transactions.

The county has developed an excellent program for poll worker training. They provide exceptional materials for their workers, including a newsletter to keep poll workers up to date with last minute changes. As a result, their poll workers seem to be very knowledgeable and have few difficulties.

A phone bank is used to answer the many phone calls that occur during election time. While the phone bank needs to be greatly expanded, especially the week before the election, it can provide excellent service to the voters and free up permanent staff for other projects.

Political party observers are increasingly hard to recruit throughout the state. The reviewer commends King County for solving the problem by paying political party representatives to observe absentee ballot processing.

The county has excellent audit procedures for their absentee ballots. The ballots arrive in batches. Each batch has an audit slip that accompanies the batch through ballot counting. Staff is able, at the time of counting, to verify that all ballots in a particular batch have been counted.

The county has several major challenges to overcome. The elections division needs more and better quality workspace. Staffing levels are not adequate for a county of their size. Both suggestions require a larger budget.

The division needs a modern voter registration system designed to handle the volume of transactions and provide the functions necessary for maintaining a good operation. King County uses a precinct-based ballot counting system. While this system provides many benefits--early totals on election night, a "voter friendly" ballot, and precinct results at the precinct--it is not well designed for high-speed tabulation of absentee ballots. A different system for counting absentee ballots may be needed. There needs to be more cross training and key players need to have well-trained backups. King County needs adequate resources to ensure timely, accurate election results.

The elections division is aware of their obstacles and their conscientious staff is capable of overcoming the obstacles given adequate resources and a better defined organizational structure.

Review Recommendations

1. Voter Registration.

Several Years ago, King County entered into a contract to purchase a new voter registration system. The vendor was not able to deliver a system satisfactory to the county and the purchase fell through. Litigation is still pending regarding this matter. The county frequently has a backlog of work for portions of their voter registration process. They are often more than three months behind in sending voter registration cards (acknowledgement notices) to new voters. Many voters did not receive voter registration cards prior to the election. This leads to voter confusion and a much greater volume of telephone, mail, and email follow-up work for staff. Scanning of signatures has been as much as one year behind, necessitating duplicative manual processes for checking signatures on voted absentee ballots. This contributes to delays in processing voted ballots in a timely manner. Additionally, the system currently cannot purge voters without writing a separate program.

RCW 29.08.060 (2) states in part, "... Within 45 days after the receipt of an application but no later than seven days before the next primary, special election, or general election, the auditor shall send to the applicant, by first class mail, an acknowledgement notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state..."

Recommendation: *The county needs to acquire or build a voter registration system designed for a jurisdiction of their size. The large number of transactions and absentee ballots issued requires a system with more capacity and the ability to handle their volume and more efficient capture and storage of voter signature images. The "Help America Vote Act" contains new requirements for voter registration systems that will influence the decisions to be made in this area.*

The elections division should make every effort to process voter registration transactions quickly, with a goal of being no more than two weeks behind. Making sure that the voter registration file is up to date and that voters receive their voter registration cards (acknowledgement notices) in a timely manner will reduce voter confusion, the number of special ballots, and the opportunity for voter fraud.

2. Absentee Ballots--Mailing.

Some rural post offices have not given a high priority to absentee ballot delivery, resulting in some ballots taking as much as a week to be delivered within the county.

RCW 29.36.270 states, "Except where a recount or litigation under RCW 29.04.030 is pending, the county auditor shall have sufficient ballots ready to mail to absentee voters of that county at least twenty days before any primary, general election, or special election."

Recommendation: *King County needs to work extensively with post office officials prior to every election to ensure that the ballots are delivered in a timely manner. They need to come to an agreement with postal officials as to the postal endorsement and amount of postage required to give ballot delivery a priority. Working with these officials on a frequent basis, especially prior to any election, will improve delivery service for absentee ballots. Other large counties have realized significant savings and service improvements via this sort of ongoing cooperative relationship.*

3. Absentee Ballots—Counting

King County has difficulty counting returned absentee ballots within the intermediate deadlines required by state law. As there were only six to eight signature checking stations in use, the signature check process is a large bottle neck for processing absentee ballots. This results in delays in processing and preparing ballots for counting. Additionally, their current ballot counting system does not have the ability to count large numbers of absentee ballots in a timely manner. The system consists of a large number of poll site ballot counters, all connected to a computer to tabulate the results. This system does allow for on the spot auditing of their voted absentee ballots. However, the poll site counters are designed to count ballots one at a time at a poll site, not the large numbers of absentee ballots that the county must process. There were well over 400,000 absentee ballots issued in the primary and that number is steadily increasing. It is likely to be over 600,000 by 2004. Under their current organizational setup and staffing levels, the county is not able to meet the deadlines set forth in RCW 29.62.020.

RCW 29.62.020 states in part, “(1) At least every third day after a special election, primary, or general election and before certification of the election results, except Sundays and legal holidays, the county auditor shall convene the county canvassing board or their designees to process absentee ballots and canvass the votes cast at that special election, primary, or general election, if the county auditor is in possession of twenty-five ballots or more that have yet to be canvassed...Each absentee ballot previously not canvassed that was received by the county auditor two days or more before the convening of the canvassing board or their designees and that either was received by the county auditor before the closing of the polls on the day of the special election, primary, or general election for which it was issued, or that bears a date of mailing on or before the special election, primary, or general election for which it was issued, must be processed at that time...”

Recommendation: *The county needs to adopt a more efficient way of counting absentee ballots, either by purchasing a new system or dramatically increasing the capacity of their current system. The number of ballots processed and signatures checked each day needs to be increased dramatically. State law mandates that by the Friday following the election, all absentee ballots received by the preceding Wednesday must be counted. This requirement is repeated in law every third day until the election is certified. They should have the capacity to conduct a county-wide election by mail. Additional personnel may also be needed to meet the deadlines required by RCW 29.62.020.*

4. Ballot Security

King County has a procedure for security of ballots: Counted ballots are stored in metal cages locked with padlocks. The keys are kept by the warehouse supervisor and the absentee ballot supervisor. The “MBOS” warehouse caged area, when open, is used to access the ballot counting room. The warehouse has a security system, but it does not fully comply with definition of “Secure Storage” listed below.

WAC 434-240-290 states, “Following the tabulation of absentee ballots, they shall be kept in sealed containers and in secure storage until the expiration of any time deadlines for a legal challenge to the results of the primary or election, and then should be retained by the county as long as required by state or federal law.”

WAC 434-240-010 states in part:

“...(11) “Secure storage” are those locations provided for the storage of all material connected with the absentee ballot process, including ballots, and shall be under the direct control of the county auditor. Secure storage shall employ the use of numbered seals and logs or any other security measure which will detect any inappropriate access to the secured materials when such materials are not being prepared or processed by the county auditor or persons authorized by the county canvassing board...”

Recommendation: *Additional security measures need to be implemented. There are three commonly used methods to detect unauthorized access to ballots and materials. Using numbered seals and seal logs in addition to the padlock is the preferred method. Such use will record those having access to the ballots and it will be immediately apparent if anyone has had unauthorized access. Other options include keeping the key in a container that is sealed with numbered seals combined with the use of a seal log, the key being kept on the person opening the container at all times, or a security system employing a camera with tape recorded 24 hours a day as in their courthouse storage room. In any case, access to the ballots and material must be limited to those employees who are processing the ballots, and a record kept as to who has had access.*

5. Ballot Enhancement.

The county is not consistent in their ballot enhancement procedures. The reviewer observed that ballot enhancement, while done in full view of political observers, did not use the procedures outlined in the Washington Administrative Code. Inconsistencies in how this procedure is handled significantly increase the possibility of a successful election contest.

WAC 434-261-080 states, “Ballots shall only be enhanced when such enhancement will not permanently obscure the original marks of the voters. Ballots shall be enhanced by teams of two or more people working together. When enhancing ballots, the county shall take the following steps to create and maintain an audit trail of the actions taken with respect to those enhanced ballots: (1) Each ballot to be enhanced must be assigned a unique control number, with such number being marked on the face of the enhanced ballot; (2) A log shall be kept of the ballots enhanced and shall include at least the following information: (a) The control number of each ballot enhanced; (b) The initials of at least two people who participated in enhancing each ballot; and (c) The total number of ballots enhanced; (3) Enhanced ballots and ballots to be enhanced shall be sealed into secure storage at all times, except when said ballots

are in the process of being enhanced, are being tabulated, or are being inspected by the canvassing board.”

Recommendation: *Ballot enhancement and duplication must be done in teams of two, using the correct procedures that will provide the audit trail required by WAC 434-261-080. When time and staff are short, it is tempting to cut corners in this area. Adequate staffing is needed to ensure that these procedures are followed.*

6. Minority Language Services.

King County is providing voters’ pamphlets, ballots, and other voting materials for the Chinese community as required by federal law. There was not enough time prior to this fall’s elections to fully implement the new requirements for providing services for Chinese speaking voters.

Recommendation: *King County needs to continue to work with the Chinese speaking community to ensure that they are providing all the services that they require. The County needs to have at least one Chinese speaking person available to provide service to the Chinese Community as needed.*

7. Accessibility Reports.

The required poll site accessibility report has not been submitted to the Secretary of State this year. Two years prior, the accessibility report listed twenty inaccessible polling places. Upon notification that the report had not been received, the county submitted it in December, 2002.

RCW 29.57.070 states in part, “No later than April 1 of each even-numbered year, each county auditor shall submit to the secretary of state a list showing the number of polling places in the county and specifying any that have been found inaccessible...”

Recommendation: *The required accessibility report needs to be completed for 2002 and the county must continue to submit reports every even year, by April 1, until they have no inaccessible sites for two consecutive reporting periods.*

Section 3

Suggestions

The following are suggestions for increasing efficiency and improving operations with the King County Records, Elections, and Licensing Office. Although these suggestions do not address issues involving compliance with state laws or administrative rules, the reviewer identified the tasks discussed in the section as areas of election administration in which the county might improve the efficiency and operation of the office.

1. Technical Support.

The elections division lost their “in house” technical staff. They have attempted to compensate for this loss through the use of temporary employees, which has led to a lack of consistency. They now have one ITS staff dedicated to the elections division. While the new staff is very conscientious, he is not adequate for needs of the division. Managing technical systems required by the elections division is extremely complex, and the possibility of errors increases greatly when inexperienced staff is used. While it may not be important to have “in house” technical staff, it is important for the designated staff to understand the division’s complex systems. In order to make the new arrangement with ITS work, it will require long-term attention.

The division needs to have at least two, full-time technical staff members dedicated to the elections process. They need technical staff that has a great understanding of how elections are conducted, a thorough knowledge and background in programming the county’s vote tabulation system, a complete understanding of the county’s voter registration system, and the staff needs to be available to respond quickly and in an appropriate manner. There is more than enough work to justify two people devoted entirely to the elections division.

2. Consolidation of precincts and polling places

King County’s charter limits the voter population of precincts. Even though they have done some consolidation, more poll sites could be eliminated. This is a major trend in most counties in Washington State. Election officials have recognized that 70% of the voters are using the mail and precincts can be enlarged without reducing service to poll voters.

The county should consider changing their charter rules to increase the size of precincts and consolidate poll sites. By reducing the number of precincts and poll sites, the workload associated with precincting, poll workers, and ballot processing would be greatly reduced. There would also be considerable cost savings in not paying as many poll workers, reducing the number of ballot styles required, and renting fewer poll sites. Those cost savings could then be applied in other areas of election administration that are detailed elsewhere in this review report.

3. The Phone Bank and Website.

The elections division has a phone bank to answer calls during election time. The number of people answering calls is not nearly enough to handle peak numbers of phone calls. The frustration level increases when voters cannot get through to the office when there is a problem with their ballot, or when they simply need to know where to vote. As a result, voters call other departments, or the Office of the Secretary of State, or they simply give up.

The division is not adequately using their website to reduce their workloads. There are many voters who could access a website much more readily than making a phone call or sending an email, both of which require a staff member response. Other counties and the Office of the Secretary of State have significantly reduced the number of phone calls by placing pertinent information onto their websites.

The phone bank is a necessary part of an election and needs to be greatly expanded to adequately answer voters' questions and concerns (See Recommendation #1). Additionally, the website could be expanded to provide individual voter information, including a voter's precinct and polling place, and other information to significantly cut down on the number of calls and emails to be answered.

4. Procedures Manual/Staff Communication

A copy of their procedures manual, requested by the reviewers, was delayed over a month as it was being re-written. It is currently in draft form. Additionally, it is apparent that the lack of communication, especially at the managerial level, and what the reviewer perceives as a generally difficult work environment, is affecting the division's ability to make effective decisions.

We applaud the elections division for updating their procedures manual. They need to ensure all procedures are contained in the manual, it is in a format that is easily used by all staff, and the procedures are followed as outlined in the manual. Additionally, they should frequently review the procedures in the manual to make sure that it reflects current practices.

There is a lack of communication and trust between the division manager and the superintendent. Additionally, the superintendent was slow to provide some requested information and asked that the reviewers' questions be directed to her only. This affected the ability of the reviewer to get an accurate picture of the county's procedures and greatly delayed the final review report. It also affects the ability of all members of the staff to do their jobs. This problem must be solved before other changes can take place in the division.

5. Mail Ballot Elections

King County only conducts relatively small elections by mail. Their facilities and equipment cannot handle a county-wide by mail election.

Voting by mail in Washington State is an important part of election administration. More than two thirds of the votes cast in any election are by mail. The numbers of permanent requests are sky-rocketing. While the reviewer acknowledges that currently the elections division may not

have the resources, they need to change their facility and procedures to enable them to more efficiently process mail ballots. They need to be able to efficiently conduct a county-wide election by mail within the next five years.

6. Voter Outreach.

Currently budget and staffing levels do not allow the elections division to do voter outreach.

Voter outreach is important to actively keep their voter roles current and to provide other voter education opportunities. Other counties have made voter outreach a priority and King County, with their very large, mobile population, should develop a comprehensive voter outreach program.

7. Local Voters Pamphlet.

The county publishes a primary voters pamphlet which contains a sample ballot, but not a list of polling places.

If the list of polling places were added, RCW 29.81A.060 suggests that a notice of election may not need to be published in the newspaper. There may be a cost savings by following this state statute. The division may want to consider asking their legal advisors if the county can forego publishing a separate notice of election when publishing and distributing a county-wide local voters pamphlet. This may result in an overall cost savings.

Section 4

General Special Review, 47th Legislative District Recount

MEMORANDUM

TO: King County Canvassing Board

FROM: Sheryl Moss, Certification and Training Program Manager

DATE: November 27, 2002

RE: Special Elections Review, 47th Legislative District

Section 29.60.070 (i) of the Revised Code of Washington (RCW) requires, in part, that the election review staff of the Secretary of State's Office conduct a review of county election procedures, "...If unofficial returns of a primary or general election for a position in the state legislature indicate that a mandatory recount is likely for that position..." Official returns indicated a mandatory recount for the 47th Legislative District was necessary and a review was conducted on November 21, 2002. The review covered only procedures related to the recount in the areas of ballot accountability, audit trail procedures, ballot security, and recount procedures.

The following recommendations are intended to assist King County in improving and enhancing their election procedures specific to those areas noted above. The King County Canvassing Board may individually, or as a group, respond to these review recommendations in writing. Any written response will be kept on file in the Office of the Secretary of State.

We appreciate the King County Election Division staff's assistance and cooperation at an extremely busy time for them. Their help greatly contributed to a successful examination process and their willingness to share information with the reviewers made the review a positive experience. We observed nothing during the special review that would call into question the security or integrity of the recount process.

Special Review Observations

After discussing audit procedures, ballot security, and ballot accountability with the elections division staff, we believe that they understand and comply with state law. Correct audit procedures, including reconciling poll books and absentees, were conducted.

Special Review Recommendations

1. Counted ballots are stored in metal cages locked with padlocks. The keys are kept by the warehouse supervisor and the absentee ballot supervisor. Each of the two warehouses has a security system; however, they do not have a 24-hour video camera.

RCW 29.54.075 states in part:

“...Ballots tabulated in poll-site ballot counting devices must be sealed by two of the election precinct officers at the polling place...”

WAC 434-240-290 states:

“Following the tabulation of absentee ballots, they shall be kept in sealed containers and in secure storage until the expiration of any time deadlines for a legal challenge to the results of the primary or election, and then should be retained by the county as long as required by state or federal law.”

WAC 434-240-010 states in part:

“...(11) “Secure storage” are those locations provided for the storage of all material connected with the absentee ballot process, including ballots, and shall be under the direct control of the county auditor. Secure storage shall employ the use of numbered seals and logs or any other security measure which will detect any inappropriate access to the secured materials when such materials are not being prepared or processed by the county auditor or persons authorized by the county canvassing board...”

Recommendation: *Since numbered seals and logs are not used, security measures used in their warehouses do not comply with the above rules. There are three commonly used methods to detect unauthorized access to ballots and materials. Using numbered seals and seal logs in addition to the padlock is the preferred method. Such use will record those having access to the ballots and it will be immediately apparent if anyone has had unauthorized access. Other options include keeping the key in a container that is sealed with numbered seals combined with the use of a seal log, the key being kept on the person opening the container at all times, or a security system employing a camera with tape recorded 24 hours a day as in their courthouse storage room. In any case, access to the ballots and material must be limited to those employees who are processing the ballots.*

2. Absentee ballots and poll site ballots are stored in cardboard boxes and are sealed with paper seals. The seals are not individually numbered and, in some cases, the seals did not adhere properly, coming loose while in storage.

Recommendation: *While the Revised Code of Washington and the Washington Administrative Code only requires that the ballot containers be sealed, we recommend seals with permanent adhesive so that, once applied, they cannot be removed without breaking the seal and will not come loose in storage. The use of numbered seals and seal logs will detect any unauthorized access to the ballots and assist in documenting all activity with the ballots. Pre-numbered seals or numbers stamped on paper seals could be used with a log indicating the seal number placed in the box before sealing.*

Conclusion

From our observations, King County has processed their ballots and has begun the recount process. Their procedures for the recount are according to state law and rule. They have notified the candidates as required and are ready to proceed with the recount. The recommendations made are for consideration by the King County Records, Elections, and Licensing Manager for the purpose of enhancing and improving their current procedures. The Office of the Secretary of State Certification and Training staff is available for any additional assistance the Manager may request.

Cc: Bill Varney, Chairman
Election Administration and Certification Board

Section 5

General Election Special Review, Absentee Ballot Process

In response to a request from members of the King County Council and the King County Records, Elections and Licensing Manager, the Office of the Secretary of State agreed to conduct a review of the events leading up to the mailing of absentee ballots during the 2002 General Election. David Elliott, Assistant Director of Elections, and Sheryl Moss, Certification and Training Program Manager, conducted the review during the week of December 16, 2002. The King County Elections Division staff was cooperative and provided all the information requested by the reviewers. Findings contained in this report are based on interviews with Bob Roegner, Elections staff, John Elder from Global-Diebold Election Systems, Lori Butcher from Postal Services Incorporated (PSI), and Ben Chew from the United States Postal Service (USPS).

The King County Canvassing Board may individually, or as a group, respond to this review and these recommendations in writing. Any written response will be included in the final report.

Special Review Observations

It is important to describe the players and their roles in the King County absentee ballot process. The county owns a voter registration database system and a ballot tabulation system. The voter registration system has been built piecemeal by the county over the last 15 years. This system is a hybrid, running on a mainframe computer with many attached subsystems employing disparate operating systems and software. The ballot tabulation system was designed and built by Global Elections Systems. The county has used that system for five years.

The Global tabulating system has two related but separate parts. The first counts the ballots at the polls on Election Day and uploads the results to the central tabulation system, the second centrally counts absentee ballots and receives and accumulates the poll site results. Both parts of the system are programmed by county election staff. The programming process is very complicated and the software is proprietary to Global Election Systems. Because tabulation systems do not have a large customer base, they usually are not user-friendly and they tend to employ programming languages not widely used. The Global System is no exception. A person programming this system needs to be an experienced programmer who has also had extensive training on the system. Furthermore, there are differences in programming related to the type of election being programmed. For example, this means that different techniques and programming conventions will be employed in special elections, primary elections in the even-numbered year when the names of partisan and judicial candidates are rotated, and even-year General Elections, when Precinct Committee Officers (PCO) appear on the ballot.

The Global System's design for ballot production is linear in nature. This means that unlike some other systems that can produce ballots and programming in parallel, this system places the programming and ballot production in line, one step after the other. This is not inherently a bad structure, but it increases time pressures immensely and makes ballot production vulnerable to problems in programming. The ballots are created by a computer program called Global Election Management System (GEMS). In order for King County to print ballots, they must first complete all programming of the ballot counting system. This is an advantage in most applications because it ensures that all ballots will be read correctly by the ballot counter and the printing will match the

program. This only becomes a problem when the time available is compressed, such as the period between a Primary and General Election in Washington. This structure requires very careful planning and time management in order to be successful.

Once the tabulation system is completely programmed, the system produces ballot images in “camera ready” format for printing. The county uses a printer that is owned by Global Elections Systems to complete their printing. There were 2,700 different ballot styles used in King County because Precinct Committee Officers are included on each precinct’s ballots. This makes the ballot unique for each precinct and causes the ballot print batches to be fairly small. The press runs for each ballot style are approximately 500 ballots each. This is the largest most complicated ballot print job in the state.

An electronic copy of all the ballot styles is sent to the printer who then prints proofs, and sends the proofs to the county for verification. Printing ballots begins once the proofs have been approved. The ballots are printed in Legislative District order to assist in matching the mailing envelopes with the correct ballots. The printer needs ten days lead time to have all the ballots to King County. As the ballots are delivered, the ballots are assembled into mailing envelopes and mailed to the voters.

After ballots are printed they are returned to the county for preparation for mailing. At the same time the ballots are being printed the county prepares a file of absentee voters from the voter registration database. This file is forwarded to Global who uses it to produce and print the addresses on the outer absentee mailing envelopes. The envelopes are then taken to the Mail Ballot Operations Satellite (MBOS) so that they can be loaded with ballots and other absentee materials.

The completed absentee mailers are then sent to Postal Services Incorporated (PSI) mailing service for zip sorting, addition of postage and delivery to the USPS bulk mailing facility. The purpose of this step is to reduce mailing costs; the US Postal Service (USPS) gives lower rates for zip sorted mail. This process usually takes about six to eight hours and is often completed in the same day. Occasionally, the process results in delivery to the Postal Service on the following day.

Because the county is using bulk rate postage, once PSI delivers the mail to the USPS bulk mail facility the mail can legally sit on the loading dock for days. USPS is bound by a Federal law instructing the first class treatment of bulk mail if it is marked as “elections mail” and all indications are that the Seattle facility gives mail marked in that manner prompt handling. In our conversations with USPS, it is clear that the county has a good relationship with the postal authority and there are few delays in this part of the process.

After the voter votes their absentee ballot they may return it to King County Elections in several ways. The most common is mail, but the ballot may also be dropped off at the courthouse or at any poll site on election day. If the ballot is returned before the close of the polls on election day, or postmarked by election day, it is considered, for the purposes of meeting the requirements of state law, to have been returned in a timely manner. The county must verify the outer envelope signature identifying the voter to the county. After the signature has been verified, each envelope is opened, and the ballot removed, separated from the outer mailing envelope with the voter’s identity, and inspected. The inspection is designed to detect ballots that are marked in a manner that cannot be read by the Accu-vote ballot counter. This is usually because the voter used red ink, marked outside the ovals, or marked in some other manner that cannot be read by the vote tabulating equipment.

Once the ballots have been inspected they are ready for counting. The ballots are run through the Accu-vote ballot counters in batches of approximately 500. Each batch is recorded and the ballots are sealed for storage.

The Vote Tabulating System

King County uses Global/Diebold's Accu-vote precinct based optical scan ballot counting system. Voters mark their choices by filling in the ovals on the ballot next to the name of candidates, or for and against ballot measures. Each ballot has specific identifying coding printed on it. This coding identifies the precinct and ballot style to the ballot counter and directs the ballot counter to tally the votes. The codes do not identify individual voters. At the polling place each voter places their marked ballot into an Accu-vote ballot counter. At the close of the polls the accumulated results are uploaded via telephone modem to the central result accumulator. Absentee ballots are fed into a group of 20 network linked Accu-vote ballot counters at MBOS which record the totals directly to the accumulator.

General Election 2002

In our research and interviews it quickly became clear to us that the delay was caused by problems in programming the GEMS ballot counting system. Because the ballots cannot be printed until the programming is finished, the problem snowballed from there. Specifically, the programming of the system to count precinct committee officers (PCO's) in each precinct was the stumbling block. In the past, King County Elections employed a full time computer programmer who was assisted by an additional programmer. These people were not employed by the county data processing department, but were election employees who had been trained in election law.

Both the programmer and his assistant left the county to pursue other opportunities, and the elections department did not directly replace them. During recent elections, a temporary employee was the primary programmer, assisted by the former programmer on nights and weekends. In the late spring of 2002 a decision was made to stop using the former programmer and to move this function to the central data processing department (ITS). The ITS programmer is a skilled programmer who was relying on experienced election staff to provide any election expertise needed in the programming process. The 2002 Primary was the first election programmed using this staff structure. While there was a steep learning curve, the group was able to successfully run the Primary. It is important to note that the office of Precinct Committee Officer does not appear on the primary ballot.

Immediately following the certification of the Primary, the programming staff started work on the General Election programming. At that point, the Monorail court challenge was pending and there appeared to be a potential for delays growing out of the court process. This did not result in a material delay, however, because the programming problems presented by the PCO's took longer to resolve than the court took to decide the Monorail case.

September 30-October 16, 2002

On September 30 the election programming staff began their work with routine designation of the candidates for the General Election. During this early period the Monorail issue was in court and there was some concern about delay, but a "space holder" issue was programmed into the system and work continued.

On October 2 the staff began having difficulty with the transfer of candidate filing information from the mainframe voter registration computer system to GEMS. The software in use (Clarion) is not widely used and there was no documentation of the software or programs available. The programming staff was not trained to use this software. Lacking alternatives, the staff spent an entire day re-entering

King County Election Review

the filing data into the ballot counting system. Over the next several days, additional time was lost because all of the re-entered data had to be proof-read again.

The weekend of October 5 and 6 saw the staff working to connect all of the data, with limited success. The deadline for delivery of the ballot images to the printer was going to be missed, but the printer had a plan in place for scheduling the print job, and it was hoped that delay in delivery of ballots could be avoided.

During the week of October 7 the staff continued to work to finish the program, but progress was slow and many frustrating events occurred. Most notably, when everything appeared to be resolved and the information had been loaded into GEMS, a key template was lost in the system and could not be retrieved. The ballot order was finalized and submitted on Friday, October 11.

On Saturday, October 12, the printer notified the staff that the electronic file sent to the printer could not be opened. This resulted in the loss of another 1/2 day, until the correct file was sent. The printer then encountered problems with the ballot order. These problems included ballot layout and other formatting issues. At this point the printer decided to attempt to correct the file rather than send it back to the county. After nearly 20 hours (and another lost day) the file was ready for printing October 13.

On Monday, October 14, election staff began proofreading the ballot proofs. Errors were detected in the PCO data, ultimately leading to a total of 800 ballot errors. The file was corrected and the printer had the corrections late on the 14th. This required the manual re-entry of the entire PCO list into the ballot design system by the elections division staff.

October 16 was the day that absentee ballots were supposed to be available according to state law (RCW 29.36.270). It was on this day that the first two Legislative District ballot runs were begun. On October 17 the rest of the ballot order was approved and printing began in earnest. The printer parsed out the print job to additional printing locations in order to add more presses. This did result in a reduction in the length of time used to print the already-late ballots. In order to do this the printer used a facility in the San Francisco area.

Ballots for Legislative districts 1 and 5 were delivered to King County on October 19 and a small quantity of ballots was mailed that day. October 20 and 21 the staff spent the day putting the ballots into mailers as they were delivered to the MBOS facility, and approximately 80,000 ballots were mailed on October 22—the first large group of ballots to be mailed. We were able to work from King County records and USPS records to confirm the final mailing schedule was as follows:

Day = 10/22	# Of Ballots Mailed = 76,689 & 3,284
10/24	2,948
10/25	80,962 & 42,815
10/26	52,097
10/28	92,610
10/29	71,004
<hr/>	
10/30	6,485*
10/31	1,432*

* These were daily requests made after the large initial mailing of permanent absentees.

There were two other incidents causing possible additional delays of ballot delivery. On October 23 PSI delivered a large batch of ballots to USPS that had not been properly sorted. They were retrieved,

sorted, and redelivered on October 24. Re-sorting resulted in a saving of \$1,200 of postage costs; however the re-sort resulted in another lost day. On October 24 it was discovered that the King County USPS postage account was nearly depleted and needed funding, and for an unspecified length of time on October 25 there was a "hold" placed on mailings of absentee ballots. A check was delivered to USPS and the hold was removed on October 25. It is generally agreed by all parties that the hold had no effect on ballot delivery.

Ballot mailing continued through October 29 when the last of the ballots was delivered to the postal service facility. Ballots delivered to USPS after October 29 were ballots requested during the election period.

The result of the delays was that a significant number of ballots that were scheduled to be in the mail on October 16 or 17 were in fact delivered as late as October 30.

Recommendations:

1. Ballot Tabulation System Documentation

King County lacks adequate documentation for programming their ballot tabulation/printing system. The lack of documentation contributed to the delay of the ballot order by nearly two weeks.

Recommendation: *The elections division needs to create a procedures manual specifically for their ballot tabulation system. The manual should contain specific documentation for each type of election, and step-by-step procedures to follow. Additionally, it is critical that there be adequate computer support. Systems used in the elections division are complex and require a great deal of specialized knowledge to adequately provide technical support. At least two computer technical support positions need to be dedicated to the elections division and should be completely familiar with their systems. Additional technical staff needs to be available during the fall elections.*

2. Ballot Tabulation Programming

Election division staff began programming the General Election when the Primary Election was certified. The Global/Diebold System requires that programming must be completed before the ballot order is sent to the printer. Because of the short time between the Primary and General Elections, waiting until the Primary Election is certified may not be possible. Time allowances must be made for delays to be able to get the ballot order submitted on deadline. Due to problems with the programming for the General Election, the ballot order was delivered late, thus delaying the mailing of the absentee ballots.

Recommendation: *Programming for the General Election should begin much earlier, possibly as early as August when the precinct committee officer candidates are first known. Unless there are close races, the candidates and issues to be placed on the General Election ballot are known by the day after the Primary. At that time, the majority of the programming could be finished with any close races added at certification.*

3. Mailing Absentee Ballots

Absentee ballots were assembled in Legislative District order and mailed in that same order. Ballots were delivered to MBOS beginning on October 19 through October 27, where they were assembled. Postal Services Incorporated (PSI) picked up the ballots later in the day or the next day, sorted them and delivered them to the Post Office. The initial run of ballots was mailed starting on October 22 and was not complete until October 29. When ballots are arriving from the printer late, as was the case in the 2002 General Election, every effort should be made to mail the ballots as soon as they arrive. In this case, the elections division had no choice but to mail the ballots in stages. They were not able to meet the statutory deadline for ballot availability.

RCW 29.36.270 provides that “Except where a recount or litigation under RCW 29.04.030 is pending, the county auditor shall have sufficient absentee ballots ready to mail to absentee voters of that county at least twenty days before any primary, general election, or special election.” (RCW 29.01.043 provides that “County auditor includes the county auditor in a noncharter county or the officer, irrespective of title, having the overall responsibility to maintain voter registration and to conduct state and local elections in a charter county.”)

Recommendation: *In future elections, the first run of ballots should be mailed in one or two groups, without regard to legislative district. In the General Election, legislative districts at the end of the list received their ballots extremely late, or in some cases not until after election day. Giving voters in one district an advantage of more time over other districts may be perceived as manipulating the election results or showing partiality to certain candidates or incumbents. All voters should be given adequate time to receive their ballots and return them postmarked by election day, including those sent out of state and out of the country. If King County can send their ballot order early to the printer, the ballots will be delivered with enough time to assemble and mail them all by the eighteenth day before election day. Additionally, using a mailing house to assemble and mail the ballots will reduce the transit time and free workspace at MBOS.*

4. Internal Communication

The misinformation given to the public, the media, and others, stems from a serious internal communication problem. Staff indicated to the reviewers that they communicated the existence of problems to the superintendent. The communication apparently stopped there. They further indicated to the reviewers that they were discouraged, if not forbidden, from communicating these concerns to upper management.

Recommendation: *Open and frequent communication is essential to good elections management, especially in a large county such as King County. It is difficult for management to make good decisions without accurate information. Management must also provide an environment where employees feel free to discuss any problems that occur. This can be especially difficult when a division is split into several physical locations. A strong effort needs to be made to improve the ability of staff to communicate with management. Frequent staff meetings, status reports, an open door policy, and good procedures will help.*

5. Crisis Management

When it became apparent that some voters would not receive their ballots, there was a delay in getting that information to constituent groups. There was no plan in place to deal with the crisis nor was there a consistent information communications plan. King County made a deliberate decision when problems began not to do a press release, which further complicated their problems. They did not coordinate their efforts with the state or other jurisdictions. As a result, they found themselves in a crisis situation with the voters and the media. There was a very last minute effort to Fed Ex, fax, hand deliver, and email ballots to the voters who contacted the elections division. Many voters undoubtedly did not contact the office, and there were voters, especially those outside the county, who were unaware of the problems and did not receive their ballots on time.

Recommendation: *The moment that it was evident that ballots would be delayed, the elections division should have implemented a plan that used the media to inform voters as to the nature of the problem and also to instruct voters leaving town how to obtain a ballot. Voters may not have liked the situation, but at least they would have been informed and would then have been able to make whatever arrangements they could to ensure that they received a ballot. The county also could have provided for a substantial increase in the phone bank, and implemented procedures that used all resources to mail the ballots out as fast as possible. The delay in responding increased the likelihood of disenfranchising voters, created an extremely stressful work environment, resulted in voter confusion, and seriously damaged the public's trust in the administration of elections. Media coverage of the delay and the misinformation on the cause resulted in spill-over to other jurisdictions and a statewide focus on the issue.*

6. Absentee Ballot Processing

King County was unable to process enough ballots each day to meet statutory deadlines for counting absentee ballots during the General Election. The procedures of checking ballot signatures, opening the ballots, and processing the ballots through the tabulation system were overwhelmed by the number of absentee ballots. They were inconsistent in the reporting of results and ballots remaining to be counted.

RCW 29.62.020 states in part: “(1) At least every third day after a special election, primary, or general election and before certification of the election results, except Sundays and legal holidays, the county auditor shall convene the county canvassing board or their designees to process absentee ballots and canvass the votes cast at that special election, primary, or general election, if the county auditor is in possession of more than twenty-five ballots that have yet to be canvassed.”

Recommendation: *King County needs to increase the number of signature checkers, ballot openers, and the number of tabulators counting absentee ballots, especially during the three days following Election Day, to meet the statutory requirement. Their audit trail should be designed to give accurate results and to track the number of ballots waiting to be counted. Additionally, their absentee ballot process could be greatly improved by redesigning their work area at MBOS. The ballot security area should be moved to a space away from the work path. Because of poorly placed walls, some areas are crowded and disorganized, while other areas have wasted space. Reorganization and/or remodeling could provide a more efficient work environment.*

Section 6

County Response

Primary 2002 Review

Voter Registration

County Response: The County has made a number of improvements to the existing voter registration system after it became clear that the vendor for the planned replacement system could not provide the contracted product. Additionally, prior to the 2002 primary, a new voter signature system was contracted for, installed and successfully used in the 2002 primary and general and 2003 February special election. The Contractor should be completing enhancement to that system by the first half of 2003 which will address efficient capture and storage of voter signature images. The County will be addressing integration issues with its various elections systems.

Absentee Ballots—Mailing

County response: We do contact our postal representative before each election by letter and telephone. We are not aware of any ballots taking up to a week to be delivered once they are sent to the Post Office. However, we concur this is an area we need to ensure the highest level of coordination and cooperation exists.

Absentee Ballots—Counting

County response: The County is looking at various means to more efficiently count absentee ballots including technical and equipment solutions as well as process flow improvements. Several measures put into place for the February 2003 special election resulted in an increase in the number of absentees counted on election day.

Ballot Security

County response: Agree. The County will be using the recommendations given by the Secretary of State review and will look into placing a security camera at the MBOS facility.

Ballot Enhancement

County response: King County follows the WAC on duplicating and enhancing ballots during the opening of absentee ballots and special ballots. The procedure was not used during tabulation. We will keep a log and use teams of two during the tabulation process in the future.

Minority Language Services

County response: Agree. The County has had two Chinese speaking temporary employees on staff with additional staff resources in other Division sections available. Subsequent recruitments will target Chinese language abilities.

Accessibility Reports

County response: Agree. The report had been submitted to the former Elections Superintendent and not forwarded. The report has now been submitted and subsequent reports will be timely.

Technical Support

County response: The County has had the equivalent of 2+ FTE technical staff support dedicated to the elections process since June 2002 and has additional FTE support in documenting election systems, standardizing election infrastructure (networks, servers, PC workstations). The County is also working on integrating and updating peripheral systems that support election operations.

Consolidation of precincts and polling places

County response: We agree that increasing the size of precincts would reduce the workload associated with assigning poll workers and renting poll sites. It would also be a cost savings to the County. We will work with other branches of County government to formulate some options.

The Phone Bank and Website

County response: Agree with the need for Web site improvements. Such are under way including expanded information for the February 4, 2003 special election. An on-line polling site look-up is under development for deployment prior to the 2003 primary. Other improvements in the area of poll worker information, candidate information, absentee ballot requests, and GIS maps are underway.

The phone system will be improved to allow for more FTE's to answer customer phone calls (phone bank).

Procedures Manual/Staff Communication

County response: The County has a procedures manual in place, and in addition, has recently done a full-scale review and update of the manual. The review and update is still in draft form and was readily available when requested by the OSOS. The former staff failed to forward the manual in a timely fashion. We agree that policies and procedures should be readily available to all Elections staff members and will ensure that this is the case.

The County agrees that communication, trust and honesty were issues in the Elections section and believes that these are now resolved.

Mail Ballot Elections

County response: Agree that improvements can be made in facility design and process flow for the absentee ballot process and will implement necessary changes.

Voter Outreach

County response: Agree that the County can do a better job with voter outreach, particularly in the area of access to information (enhanced Web information, automated phone information, training in satellite community service center offices, ongoing public service announcements, and participation in community events with other REALS Division staff). The County believes resources now best used to more efficiently and effectively conduct elections and maintain accurate and timely voter registration files. We will take steps, within resources, to improve our voter outreach

Local Voters Pamphlet

County response: Agree. We will consult with the prosecuting attorney to determine if the county can forgo publishing a separate notice of elections if publishing and distributing a list of polling places in the countywide local voters' pamphlet.

General Special Review, 47th Legislative District Recount

Recommendation: Since numbered seals and logs are not used, security measures used in their warehouses do not comply with the above rules. There are three commonly used methods to detect unauthorized access to ballots and materials. Using numbered seals and seal logs in addition to the padlock is the preferred method. Such use will record those having access to the ballots and it will be immediately apparent if anyone has had unauthorized access. Other options include keeping the key in a container that is sealed with numbered seals combined with the use of a seal log, the key being kept on the person opening the container at all times, or a security system employing a camera with tape recorded 24 hours a day as in their courthouse storage room. In any case, access to the ballots and material must be limited to those employees who are processing the ballots.

County Response: We agree.

Recommendation: While the Revised Code of Washington and the Washington Administrative Code only requires that the ballot containers be sealed, we recommend seals with permanent adhesive so that, once applied, they cannot be removed without breaking the seal and will not come loose in storage. The use of numbered seals and seal logs will detect any unauthorized access to the ballots and assist in documenting all activity with the ballots. Pre-numbered seals or numbers stamped on paper seals could be used with a log indicating the seal number placed in the box before sealing.

County response: At the Election Distribution Center, an internal policy/procedure document was created to improve the processes for ballot security. We implemented a solution where all voted ballots are locked in the ballot storage cage or sealed in the bags designated for canvassing materials by the poll workers at the polling place. Access to the ballot cage is controlled and documented by use of a key box, access log, and numbered seals. The policy/procedure is posted with the key box and log to ensure compliance. Additionally training and ongoing, regular policy review will be provided for all EDC staff.

At the MBOS facility, a system will be implemented to include pad locks opened by key, a box to keep the key in that will be locked by seal and a log to keep track of the seals and who has broken them to get into the secured area.

General Election Special Review, Absentee Ballot Process

Ballot Tabulation System Documentation

County response: Agree. Systems support staff have been developing documentation for the ballot tabulation system as well as other peripheral election support systems. The Division has 2+ FTE's dedicated to elections systems support with additional technical staff available throughout the year.

Ballot Tabulation Programming

County response: Agree and will be doing more pre-planning and to the extent possible, any upfront programming or work that can be done.

Mailing Absentee Ballots

County response: Changes have already been implemented to meet the requirement that absentee ballots be in the mail 20 days prior to the election. Those changes include workflow and process improvements as well as staff changes that provide for an atmosphere of open, forthright communication and collaborative problem-solving. The goal is for all first run absentee ballots to be printed, inserted, and ready to drop in the mail at the same time. The County's printing and mailing vendor is now performing those functions at the same time in their facility with Election staff participation and oversight.

Internal Communication

County response: Agree. Changes in staff have already resulted in an improved atmosphere of open and frequent communication.

Crisis Management

County response: Agree. The lack of information provided to upper management about the delay in the mailing of the absentee ballots for the 2002 general election did not allow for a coordinated effort to communicate the situation and provide alternative means to deal with the situation.

Absentee Ballot Processing

County response: We have already made some improvements in the area of ballot counting. First and foremost is the timely mailing of the absentee ballots themselves thereby increasing the time period for processing of returned ballots. The new signature verification system, installed in fall 2002, has increased the through-put for verifying signatures. In addition, cross-training more staff to handle paper jams and other mechanical failures of the Accu-Feed devices will allow for more up time and increase ballot counting on election day.

We will provide the required staff to handle the volume of absentee ballots to meet statutory deadlines. For an all-mail ballot election or a high-volume election such as a presidential election, more equipment and staff are required. We recognize this fact and pre-plan for these resources through the budget process. As part of the process improvement review we are undertaking, it may be concluded that we need additional work stations for signature verification and either additional Accu-Feed devices or different ballot tabulation equipment to handle absentee ballots.

Space planning for the existing facilities will occur to make more efficient and effective use of the space. We are also exploring alternative ways for the transmittal of absentee ballots that are dropped off on election day at the poll sites so they are handled more expeditiously.

We are reviewing the audit trail for absentee ballots to improve in that area.

Conclusion

King County wishes to thank the OSOS for its cooperation in conducting these three reviews. We have already made many of the changes suggested and will have a plan in place to accomplish the rest.

Section 7

Conclusion

King County was reviewed three times during the 2002 fall elections, which included: A full review during the Primary Election, a special review during the General for the 47th Legislative District recount, and a requested special review of their absentee ballot process during the General Election. King County is aware of the areas where they need to improve and they are proactively taking the steps for correction. They struggled to administer these elections with the experience, staff, and resources they had available. In the end, the ballots were counted and certified by the statutory deadlines.

The focus of the voters and the media was on the delay in mailing absentee ballots during the General Election. As the review was conducted after the election was certified, the reviewers have the advantage of hindsight and the luxury of time to examine the problem and propose solutions. After meeting with staff, supporting vendors, contractors and the postal service, we have arrived at a timeline for events that everyone accepts. We have also concluded that several factors combined to snowball into a major problem. The seeds of the problem were planted over two years ago when the computer programmers left and the county could not, or did not, replace them. The staff, which was selected to do the programming very recently, did not have time to fully understand the task before them.

Lack of experience programming this system was clearly an issue. The experience of past elections might have given an understanding of the time required to program such a complex ballot. The programming process relative to the Precinct Committee Officers (PCOs) should have begun much sooner and it could have started as early as after the close of filing for PCOs in August. This was a very busy time because of the Primary election, but starting early would have brought the difficulties to light in time to be corrected. It was clear in speaking with the staff that they were always working under the assumption that they were one solution away from a smooth process. Instead they found frustration at every turn. Despite their inexperience and difficulties, they worked hard to get the absentee ballots mailed as soon as they could. The elections division has already begun the process of documenting the system and software in order to have an accurate timeline and roadmap for planning future elections.

The review of the Primary Election included all areas of their election administration. While the review focused on the Primary Election, the recommendations and suggestions would apply to all elections. Adequate personnel and resources are lacking in the elections division. They currently do not have the resources to provide some of their most basic services in a timely manner. The county is having a difficult time not only mailing their absentee ballots, but also processing and counting them. Keeping a current voter registration file and mailing required voter registration notices are also a problem. These are all extremely important functions and must be a priority. It is essential to have technical positions permanently assigned to election tasks to provide knowledgeable support that they need. Improving work relationships within the division to provide a better work environment is equally critical.

Reducing their workload in several areas should be considered: A reduction in the number of precincts and poll sites would significantly reduce pre-election and post-election tasks as well as reduce the amount of budget needed to pay poll workers, rent poll sites, and produce multiple ballot styles. Improving the absentee ballot counting system can reduce the amount of overtime required to process

absentee ballots. Providing voter information on their website can reduce the number of phone calls and emails received. A new voter registration system with adequate capacity can improve the processing of registration transactions. Voter outreach conducted year round can help keep voter registration files up to date, reducing the number of last minute changes experienced prior to an election.

With adequate resources and personnel, King County has the potential to be a model for other counties to emulate. They are committed to improving their procedures and to using their personnel more effectively. Time will be needed to fully develop the technical expertise required. The Office of the Secretary of State is committed to assisting King County in the future and to developing an ongoing positive working relationship.